

## **Assembly Bill No. 100**

### **CHAPTER 216**

An act to amend Sections 9201, 9544, 9545, 9630, 9631, and 9718 of, to amend and renumber the heading of Chapter 14 (commencing with Section 9750) of Division 8.5 of, and to repeal Division 8.5 (commencing with Section 9000) of, the Welfare and Institutions Code, relating to aging.

[Approved by Governor August 4, 1997. Filed with  
Secretary of State August 4, 1997.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 100, Granlund. Aging.

Existing law establishes the Mello-Granlund Older Californians Act which is administered by the California Commission on Aging and the California Department of Aging. Existing law prescribes the composition of the commission, and provides that a commissioner who fails to attend 2 consecutive monthly meetings or who fails to attend 9 meetings per year, without acceptable written excuse, shall cause the commission to notify the appointing authority which may declare the position vacant.

This bill would make this provision applicable upon failure of a commissioner to attend 4 meetings per year.

Existing law establishes the Linkages Program as a community-based services program to provide specified services to assist frail elderly and functionally impaired adults to remain as independent as possible for as long as possible in their communities.

This bill would revise and recast the provisions of this program. The bill would provide that the purpose of the program is to provide care and case management services to frail elderly and functionally impaired adults to help prevent or delay placement in nursing facilities.

Existing law requires the department to make efforts to increase public awareness about areas of importance to California's older individuals, their families, and other caregivers, through the use of various media.

This bill would authorize the department to accomplish this purpose through the use of symposiums or educational efforts by public or private schools, colleges, and universities.

Existing law requires defined long-term care facilities to post a prescribed notice relating to the State Long-Term Care Ombudsman in a conspicuous location.

This bill would revise the definition of long-term care facility for purposes of this provision.

The bill would also make related changes.

*The people of the State of California do enact as follows:*

SECTION 1. Division 8.5 (commencing with Section 9000) of the Welfare and Institutions Code, as added by Chapter 1096 of the Statutes of 1996, is repealed.

SEC. 2. Section 9201 of the Welfare and Institutions Code, as added by Chapter 1097 of the Statutes of 1996, is amended to read:

9201. The term of office of members of the commission shall be three years. Members shall not serve more than two terms, and shall be appointed for staggered terms. The members shall select one of their members to serve as chairperson and one of their members to serve as vice chairperson on an annual basis.

A commissioner who fails to attend two consecutive monthly meetings or who fails to attend four meetings per year, without having given written excuse acceptable to the commission, shall cause the commission to notify the appointing authority, and the appointing authority may declare the position vacant.

SEC. 3. Section 9544 of the Welfare and Institutions Code, as added by Chapter 1097 of the Statutes of 1996, is amended to read:

9544. (a) The Legislature finds and declares that the purpose of the Foster Grandparent Program shall be to provide personally meaningful volunteer community service opportunities to low-income older individuals through mentoring children with exceptional physical, developmental, or behavioral needs in accordance with the federal National and Community Service Trust Act of 1993 (42 U.S.C. Sec. 12651 et seq.).

(b) For purposes of this section, “foster grandparent volunteer” means an individual who is 60 years of age or older, has an insufficient income, as determined in accordance with Part 1208 of Title 45 of the Code of Federal Regulations, and provides at least four hours a day, five days a week of foster grandparent services under this chapter.

(c) Direct service contractors shall meet all of the following requirements:

(1) Be a city, county, city and county, or department of the state, or any suitable private, nonprofit organization, that demonstrates the ability to provide the specified services in a variety of settings, including, but not limited to, hospital pediatric wards, facilities for the physically, emotionally, or mentally impaired, correctional facilities, schools, day care centers, and residences.

(2) Recruit, select, train, and assign staff and volunteers.

(3) Provide volunteer participants with the same benefits, transportation, stipends, and income exemptions as provided to the foster grandparent volunteers funded through the Corporation for National Service.

(4) Provide or arrange for meals, transportation, and supervision for volunteers.

(5) Provide benefits and meaningful volunteer service opportunities to low-income individuals 60 years of age and older.

(6) Serve children under 21 years of age, who have special needs, or are deprived of normal relationships with adults.

(7) Provide services to, but not limited to, any of the following:

(A) Premature and failure-to-thrive babies, and abused, neglected, battered, and chronically ill children in hospitals.

(B) Autistic children, children with cerebral palsy and developmentally disabled children placed in institutions for the developmentally disabled.

(C) Physically impaired children, mentally disabled children, emotionally disturbed children, developmentally disabled children, and children who are socially and culturally deprived in school settings and child care centers, dependent children, neglected children, mentally disabled children, emotionally disturbed or physically impaired children, battered and abused children in residential settings.

(D) Delinquent children and adolescents in correctional institutions.

(E) Children under 19 years of age, when the child has been charged with committing, or adjudged to have committed, an offense which is the equivalent to, a misdemeanor.

(8) Maintaining a systematic means of capturing and reporting all required community-based services program data.

(d) In addition to the opportunity to help children who have exceptional physical, developmental, or behavioral needs and are deprived of normal relationships with adults, foster grandparent volunteers shall receive all of the following:

(1) Expenses for transportation to and from their homes and the place where they render their services or may have transportation in buses or in other transportation made available to them.

(2) One free meal during each day in which the foster grandparent renders services.

(3) Accident insurance, an annual physical examination, and a nontaxable hourly stipend.

SEC. 4. Section 9545 of the Welfare and Institutions Code, as added by Chapter 1097 of the Statutes of 1996, is amended to read:

9545. (a) The Legislature finds and declares that the purpose of the Linkages Program shall be to provide care and case management services to frail elderly and functionally impaired adults to help prevent or delay placement in nursing facilities. For purposes of this section, “care or case management” means all of the following:

(1) As appropriate, ongoing care or case management to frail elderly and functionally impaired adults to help prevent or delay placement in nursing facilities.

(2) Client assessment, in conjunction with the development of a service plan with the participant and other appropriate persons, to provide for needs identified by the assessment.

(3) Authorization and arrangement for the purchase of services, or referral, with followup, to volunteer, informal, or third-party payer services. Contractors shall maximize to the fullest extent possible the use of existing services resources before using program funds to purchase services for clients. Any benefits received as a result of these purchases either shall not be considered income for purposes of programs provided for under Division 9 (commencing with Section 10000) or shall not be considered an alternative resource pursuant to Section 12301.

(4) Service and participant monitoring to determine that the services obtained are appropriate to need, of acceptable quality, and provided in a timely manner.

(5) Followup with clients, including periodic contact and initiation of an interim assessment, if deemed necessary, prior to scheduled reassessment.

(6) Assistance to older individuals entering or returning home from nursing facilities and who need help to make the transition.

(7) Comprehensive and timely information, when necessary, to individuals and their families about the availability of community resources, to assist functionally impaired adults and the frail elderly to maintain the maximum independence permitted by their functional ability.

(8) Short-term specialized assistance, including timely one-time-only assistance in securing community resources, counseling, and the arrangement of an action plan, when there is a temporary probable threat to the ability of the frail elderly person or functionally impaired adult to remain in the most independent living arrangement permitted by his or her functional ability.

(b) Contractors of the Linkages Program shall have experience in community long-term care services and capability to serve the frail elderly and functionally impaired adults, and where applicable, ensure separateness of the programs and demonstrate protective measures to avoid conflict of interest.

(c) Contractors of the Linkages Program shall have a systematic means of capturing and reporting all required community-based services program data.

(d) (1) Each county shall deposit funds collected pursuant to Section 1465.5 of the Penal Code in its general fund, to be available for use only for the support of services provided under this chapter in that county, including county administrative costs not exceeding 10 percent of the funds collected, except as otherwise provided in this subdivision. A county may join with other counties to establish and fund a program of services under this chapter.

(2) Funds utilized pursuant to this section shall not supplant, be offset against, or in any way reduce funds otherwise appropriated for the support of services provided under this chapter.

SEC. 5. Section 9630 of the Welfare and Institutions Code, as added by Chapter 1097 of the Statutes of 1996, is amended to read:

9630. As part of its role in providing leadership in advocating on behalf of older individuals, the department shall make efforts to increase public awareness about areas of importance to California's older individuals, their families, and other caregivers. These efforts to increase public awareness and education may be accomplished through the use of public service announcements, radio and television commercials or infomercials, access on the internet, newspaper and other periodical editorials and letters to the editor, public and corporate symposiums, symposiums or educational efforts by public or private schools, colleges, and universities, and mass transit and outdoor signage.

SEC. 6. Section 9631 of the Welfare and Institutions Code, as added by Chapter 1097 of the Statutes of 1996, is amended to read:

9631. (a) The department shall establish an Aging Information and Education Fund, from funds made available pursuant to the annual Budget Act, to implement public awareness of various issues, including at least the following areas:

(1) Medication management—to call attention to the large percentage of older individuals admitted to hospitals solely due to the mismanagement of prescribed and over-the-counter drugs, the need for proper and timely use of medications, and the role of the attending physicians in prescribing medications and their interactive potential for harm.

(2) Elder abuse prevention—to work in conjunction with state and local law enforcement entities to bring focus to the need to protect older individuals from physical, emotional, and fiduciary abuse, so that they may continue to live with peace of mind about their safety.

(3) Toll-free line for linkage to local service networks—to develop and make the public aware of a single statewide toll-free telephone number for access to local information about services available to the community for older individuals and persons with functional impairments.

(b) The sources of funding that may be used for this purpose include any nonprofit foundation, funds privately donated by individuals, and one-time-only funds designated for state operations. Nothing in this chapter shall be construed to authorize any expenditures that are not otherwise allowable by the originating source of the funding.

SEC. 7. Section 9718 of the Welfare and Institutions Code, as added by Chapter 1097 of the Statutes of 1996, is amended to read:

9718. Every long-term care facility, as defined in subdivision (b) of Section 9701, shall post in a conspicuous location a notice of the name, address, and phone number of the office and the nearest approved organization, and a brief description of the services provided by the office and the approved organization. The form of the notice shall be approved by the office.

SEC. 8. The heading of Chapter 14 (commencing with Section 9750) of Division 8.5 of the Welfare and Institutions Code, as added by Chapter 1097 of the Statutes of 1996, is amended and renumbered to read:

CHAPTER 12. REGULATIONS

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